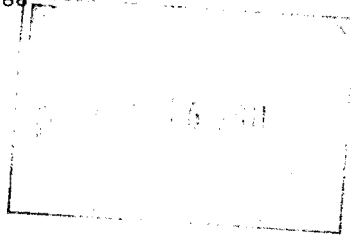


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12/16/2011

December 15, 2011

By Hand

Hon. Denise L. Cote,  
United States District Judge,  
500 Pearl Street, Room 1610,  
New York, New York 10007-1312.

D2F  
12/15/11

Re: *FHFA v. JPMorgan Chase & Co., et al.*, 11 Civ. 6188  
*FHFA v. Deutsche Bank AG, et al.*, 11 Civ. 6192  
*FHFA v. Goldman, Sachs & Co., et al.*, 11 Civ. 6198  
*FHFA v. Merrill Lynch & Co., Inc., et al.*, 11 Civ. 6202  
*FHFA v. Morgan Stanley, et al.*, 11 Civ. 6739  
*FHFA v. Countrywide Financial Corp., et al.*, 11 Civ. 6916  
*FHFA v. Ally Financial Inc., et al.*, 11 Civ. 7010

Dear Judge Cote:

The Parties have conferred pursuant to the Court's December 12, 2011 order. After further discussions, Defendants request, and Plaintiff does not object to the request, that there be no second "test case" for a motion to dismiss at this time. Instead, the Defendants in the cases that assert fraud claims would file any separate appropriate motions to dismiss with respect to those claims, as well as any other non-duplicative issues, at such time following adjudication of the pending motion to dismiss the complaint in the *UBS* action (11-cv-5201) as the Court directs.

Respectfully submitted,

*Penny Shane*  
Penny Shane

cc: All counsel (by email)